

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TIMOTHY ASKEW,

Plaintiff,

-against-

6 OFFICERS OF THE N.Y.P.D and the CITY OF
NEW YORK,

Defendants.
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TIMOTHY ASKEW,

Plaintiff,

-against-

3 OFFICERS OF THE N.Y.P.D and the CITY OF
NEW YORK,

Defendants.
-----X

VITALIANO, D.J.

Pro se plaintiff Timothy Askew filed these two civil rights actions on September 1, 2011, alleging that police officers unlawfully stopped and searched him on two occasions. On September 8, 2011, Chief Magistrate Judge Steven M. Gold issued a Report and Recommendation ("R&R") recommending that the City of New York be dismissed from both actions without prejudice because plaintiff failed to comply with Monell v. Dep't of Social Servs. by not identifying any policy, practice, or custom of the City of New York. 436 U.S. 658, 694, 98 S. Ct. 2018, 2037-38 (1978).

In reviewing a Report and Recommendation of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the

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MEMORANDUM & ORDER

11-CV-4275 (ENV)(SMG)

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magistrate judge.” 28 U.S.C. § 636(b)(1). And, a district judge is required to “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); see also Arista Records, LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010). But, where no timely objection has been made, the district “court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s Report and Recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

No objections were made to Chief Judge Gold’s R&R. Instead, plaintiff filed amended complaints in both actions on October 3, 2011 (i.e., after the R&R’s entry but before this Memorandum and Order’s entry). The Court makes no comment on the amended complaints at this time.

The Court finds Chief Judge Gold’s R&R as to the appropriate disposition of these matters to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court, and the complaints against the City filed on September 1, 2011 are dismissed without prejudice.

SO ORDERED.

Dated: Brooklyn, New York
December 1, 2011



ERIC N. VITALIANO
United States District Judge